

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA ISP ASSOCIATION, INC.,

Complainant,

vs.

PACIFIC BELL TELEPHONE COMPANY
(U-1001-C); SBC ADVANCED SOLUTIONS, INC.
(U-6346-C) and DOES 1-20,

Defendants.

Case 01-07-027
(Filed July 26, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING EX PARTE CONTACT**

On August 13, 2002, I received a voicemail message from Jim Pickerell (Pickerell), who claimed that he was a member of the California Internet Service Provider Association (CISPA or Complainant) and who voiced displeasure with the settlement agreement filed jointly on August 12, 2002, by CISPA and Defendants as part of a motion for approval of a request to withdraw the complaint and dismiss the proceeding. The voicemail message was an ex parte communication since it dealt with the substance of the motion to withdraw the complaint. This is an adjudicatory proceeding and ex parte communications are prohibited by Commission Rule 7.b.

In the message, Pickerell stated that the settlement was highly disputed among CISPA members because it paid CISPA's attorneys but did not provide

any monetary payments to CISPAs members. He implied that the only reason the settlement was entered into was so that CISPAs attorneys could be paid and that the attorneys had pressured CISPAs into agreeing to the settlement. He also expressed displeasure with provisions in the settlement that required CISPAs to end opposition to other pending proceedings before the Commission.

The message raises the question of who at CISPAs gave the authorization for the settlement to be signed and whether all of CISPAs members are aware of the terms of the settlement agreement. It also raises the question of whether CISPAs attorneys have adequately represented their clients interests in this proceeding over their own monetary interests.

Accordingly, **IT IS RULED** that the California Internet Service Provider Association (CISPA) should, within three days of this ruling, provide an explanation of how CISPA gave its endorsement for the settlement, whether the endorsement was unanimous among the members, and if not, what percentage of members do not support the settlement agreement. CISPA should provide any other information necessary to explain the accusations made by Jim Pickerell, including a response to the accusation that CISPAs attorneys have not adequately represented CISPAs interests.

Dated August 15, 2002, at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Ex Parte Contact on all parties of record in this proceeding or their attorneys of record.

Dated August 15, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.